

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

FILED

MAY 15 2015

Clerk, U.S. District Court
District Of Montana
Missoula

TIM GORGES,

Plaintiff,

vs.

UNITED STATES FOREST
SERVICE,

Defendant.

CV 14-233-M-DLC-JCL

ORDER

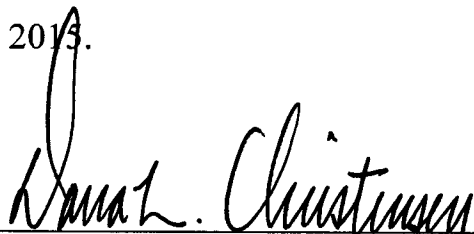
United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendations on March 2, 2015, recommending that Gorges' Complaint be dismissed without prejudice. Plaintiff failed to timely object to the Findings and Recommendations, and so waived the right to *de novo* review of the record. 28 U.S.C. § 636(b)(1). The Court will therefore review the record for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). There is no clear error in Judge Lynch's Findings and

Recommendations and the Court adopts them in full.

Plaintiff failed to timely serve his Complaint on the Defendant. The Court gave Plaintiff until February 6, 2015 to show good cause for his failure to timely serve the Complaint. On February 27, 2015 Plaintiff filed a short document stating, "I want \$790 for 3 maples from the US Forest Service! Hand delivered to Bell Aire Motel!" (Doc. 8.) There is no clear error in Judge Lynch's finding that Plaintiff did not provide proof of service or show good cause for why he has not served Defendant with the Complaint, in compliance with Federal Rule of Civil Procedure 4(m).

Accordingly, IT IS ORDERED that Judge Lynch's Findings and Recommendation (Doc. 9) are ADOPTED. This case is DISMISSED WITHOUT PREJUDICE.

Dated this 15th day of May, 2015.



Dana L. Christensen, Chief Judge
United States District Court